

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

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JULIAN FERNANDEZ,

Petitioner,

v.

No. 2:17-cv-02289

ERIC BUSH,  
THE DISTRICT ATTORNEY OF THE  
COUNTY OF MONTGOMERY, and  
THE ATTORNEY GENERAL OF THE  
STATE OF PENNSYLVANIA,

Respondents.

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**ORDER**

**AND NOW**, this 18<sup>th</sup> day of January, 2019, for the reasons set forth in the Opinion issued this date and upon consideration of the Report and Recommendation (“R&R”) of United States Magistrate Judge Thomas J. Rueter, ECF No. 12; and Plaintiff’s Objections to the R&R, ECF No. 13, **IT IS ORDERED THAT:**

1. Petitioner’s objections to the R&R, ECF No. 13, are **OVERRULED**.
2. The R&R, ECF No. 12, is **APPROVED** and **ADOPTED in part** as stated in the Opinion.
3. The petition for writ of habeas corpus, ECF No. 1, is **DISMISSED** as follows:
  - a. Claim One is **dismissed** as time-barred; and
  - b. Claim Two is **dismissed without prejudice** as unexhausted.
4. Petitioner’s Motions, ECF Nos. 19, 20, and 22, are **DENIED as moot**.
5. This case is **CLOSED**.
6. There is no basis for the issuance of a certificate of appealability.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.

United States District Judge